



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,733	09/21/1999	RANDY BUSWELL	WYSE-003	3741
31824 7590 08/23/2007 MCDERMOTT WILL & EMERY LLP 18191 VON KARMAN AVE. SUITE 500 IRVINE, CA 92612-7108			EXAMINER CHAVIS, JOHN Q	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/400,733

Applicant(s)

BUSWELL ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/8/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/8/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

1. The finality of this action is based on the newly submitted IDS dated 5/8/07.

Claims 1-20 are rejected below in view of prior art previously presented to Julin in view of Roux in view of the newly presented prior art supplied by the applicant in which he indicates that he was not previously aware of to Brown et al. Rejections based on the newly cited reference(s) follow.

2. It is hereby again requested that the applicant provide a complete translation of the reference to Roux. **The applicant indicates that since the present application relies on 5,764,984 for priority, no translation is required; however, the applicant is reminded of his duty to disclose. Furthermore, merely claiming priority does not guarantee that the application is a carbon copy of the application from which priority is claimed.**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julin et al. in view of the definition of Unix at the time of the invention and further in view of Roux and Brown (EPO 0597395 A1). The previous action is hereby repeated with responses to arguments provided in **bold**.

Claims

Julin/Roux/Brown

1. A terminal for displaying application

See the non patent literature reference

Art Unit: 2193

program information in a windowing environment comprising:

to Julin. The reference does not specifically indicate that it displays in a windowing environment (although, it references managing a window of shared memory, in the second bulleted paragraph of page 9); however Julin indicates that his system emulates Unix, and Microsoft computer dictionary (p. 485, attached to provide a clear understanding of terminology at the time of the invention) indicates that Unix comes in multiple varieties, including a graphical version (windowing version). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to provide for displaying information in a windowing environment to enable emulators for various operating systems for a wide range of target systems and environments, as specified in Julin's abstract.

~~a processor processing means not fully compatible with personal computer BIOS or disk operating systems and incapable of executing windowing applications locally,~~

This feature is considered the essence of emulation, to enable incompatible systems to communicate, see Microsoft Computer Dictionary (p. 175), which provides for a definition of emulate, emulation and emulator, such as imitating the function of another computer. Also, as indicated above the emulation provides for a wide range of target systems and environments, such as the windowing environment referenced above.

adapted to receive windowing information supplied by programs executing on a remotely located an application server,

See the discussion above and the introduction on page 1. The emulation provides for adapting.

the application programs resident on the application server;

See page 2 of the reference to Brown et al. This is the feature that enables incompatible features to be translated. The application is

considered resident in one location and translated for another, see specifically lines 33-58. Therefore, although the emulation features of Julin and Roux are considered to teach the feature of having one system (client) emulate another (server), Brown is considered to provide further proof of applications translating applications that are resident in one location for another to enable communication between previously incompatible devices. It would have been obvious to a person having ordinary skill in the art at the time of the invention to incorporate Brown's teachings into the combination of Julin/Roux for the same reasons it is utilized in Brown, as specified above to enhance compatibility between units that are not normally compatible.

a display means for displaying configured to display windowing information supplied by programs executing on the ~~remotely~~ located application server; and

means for simultaneously maintaining more than one connection for the application programs between the terminal...

See the generic service interfaces (i.e. for displaying) in the abstract.

Julin provides for his system to function asynchronously (See the first two paragraphs of page 9 with bulleted indents) and the transparent feature (simultaneous) indicated in the last paragraph on page 11-sect. 3.6 of page 12 are considered to provide proof of the simultaneous feature. However, assuming the applicant does not feel this feature is present in Julin's system, the feature is taught by Roux to enable simultaneous (plural coexisting operating systems) connections between terminal and server.

Applicants indicate that they do not understand how notifications that are not synchronized and how sending certain invocation transparently to a user can possibly relate to simultaneously maintaining more than one connection. Un-synchronized and transparent do not interrupt ongoing functions and therefore do not interfere with operations currently pending (i.e. transparent to the user). Therefore, the transactions occur at the same time without disturbing or interrupting the user (again transparently).

The applicant also indicates that Julin does not disclose or suggest how a terminal and an application server operate together or how a terminal can use application programs that are resident on an application server, let alone any of the features described below. **However, again they operate “asynchronously and transparently”. This feature also provides for multiple units communicating (for example, clients and servers) with each other “asynchronously and transparently” to enable emulation of one system on another.**

It is further specified that Juln does not disclose or suggest application programs that are resident on an application server and that are executed on the application server. Julin does not disclose or suggest a terminal receiving windowing information supplied by the application programs resident on and executed on the application server. Furthermore, Julin does not disclose or suggest simultaneously maintaining multiple connections for the application programs between the terminal and

application server. First of all Julin' s windowing environment is considered to provide for the windowing feature and Rou' s graphical environment is also considered to provide for the feature and the simultaneous feature has already been addressed above.

Applicant further claims that Roux does not disclose or suggest how a terminal and an application server operate together or how a terminal can use application programs that are resident on an application server, let alone any of the features described below. **The emulation systems are considered to provide clear support for how clients and servers communicate "asynchronously and transparently".**

It is further indicated that Roux does not disclose or suggest application programs that are resident on an application server and that are executed on the application server. Roux does not disclose or suggest a terminal receiving windowing information supplied by the application programs resident on and executed on the application server. Furthermore, Roux does not disclose or suggest simultaneously maintaining multiple connections for the application programs between the terminal and application server. This is considered a rehash of arguments already addressed on multiple occasions above.

2. The terminal of Claim 1 wherein

See the response to the simultaneous

the multiple connections means includes:

means for establishing more than one virtual machine on the terminal, each virtual machine running an open session.

3. The terminal of Claim 1 wherein the terminal... having a foreground and background area and the multiple connections means includes:

means for stopping and redisplaying the writing of a screen when a session is moved to the background without saving the screen in memory.

4. The terminal of Claim 3 wherein the multiple connections means further includes...

each virtual machine has a text buffer so when the virtual machine is in the background it has a virtual buffer that it can write to and it continues to run in the background;

...each virtual machine sends a signal to a graphics application, the application sends a signal out to the server to command it to stop sending display when the application is switched to the background so that traffic relating to the graphics application between the terminal and server is stopped, and the server is commanded to redisplay the screen when the application is switched back to the foreground.

5. ...The terminal of Claim...the multiple connections means further includes...

each virtual machine stops sending and receiving data to and from the server when an application resides in the a back-ground session,

feature above.

This feature is considered inherent to enable transparency and asynchronous communications in a windowing environment

See the rejection above.

This is considered the essence of the windowing, transparent, asynchronous emulation environment

" " " "

" " " "

...~~each~~ virtual machine commanding the server to refresh the data for the application when the application is switched to the foreground.

“ “ “ “

5. (Currently Amended) The terminal of Claim 1 wherein the multiple connections means ~~further~~ includes a virtual machine, wherein the ~~each~~ virtual machine stops sending and receiving data to and from the server when an application resides in ~~the~~ a background session, ~~the~~ each virtual machine commanding the server to refresh the data for the application when the application is switched to the a foreground.

As per claims 6-10 and 11-15, see the rejection of claims 1-5.

In reference to claims 16-20, see the second (change 2) of four Description of Changes listed on page 7 of 24 of the reference.

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2193

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

A handwritten signature in black ink, appearing to read "John Chavis", with a long horizontal stroke extending to the right.

John Chavis
Primary Examiner AU-2193